UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,478	02/02/2001	Yan Zhao	02365.P0018	7137

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Andre L. Marais - Schwegman, Lundberg
Woessner & Kluth, P.A.
1600 TCF Tower
Minneapolis, MN 55402

EXAMINER
ISMAIL, SHAWKI SAIF

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	**Applicant(s)**
Office Action Summary	09/776,478	ZHAO, YAN
	Examiner	**Art Unit**	
	Shawki S Ismail	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>17 September 2004</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-26</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-26</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   This communication is responsive to amendment received on September 17,

2004. Claims 1-26 are pending examination.

Claim Rejections - 35 USC §102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

        A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States
before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the
requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for
patent.

3.   Claim 1, and 4-26 are rejected under 35 U.S.C. 102(e) as being anticipated by

Tso et al. (Tso), U.S. Patent No. **6,047,327**.

4.   As to claim 10, Tso teaches a client/server communication framework for

facilitating server-initiated communications to one or more clients using HTTP protocol

comprising:

        a first server (FIG 3, server infobite database 50, a subscriber database 53,

server resource database 55, infofeed interface 57, and an ODBC API 59; col. 4 line 34-

53) in an application server (FIG 3, server A17) for providing information to one or more

clients   using   HTTP   protocol   (col.   2,   line   64   -   col.   3,   line   18);

a second server (FIG 3, messaging interlace 67, col. 4, lines 50-53) in the application server coupled to the first server for receiving a first message from the first server, wherein the first message is intended to be sent to a first client (client resource database 71, client content database 72, client infobite database 73; col. 4 line 54-57) in an application client (see client A23, Fig.3); and

a second client (messaging interface 79, col. 4, lines 61-64) in the application client for sending an HTTP polling request to the second server receiving the first message from the second server, and distributing the first message to the first client (col. 8, line 48-58).

5.   As to claim 11, Tso teaches the first server is a server for an application, the second server is a communication server, the first client is a client for the application, and the second client is a communication client (FIG 3 and corresponding description as discussed in claim 10).

6.   As to claim 12, Tso teaches a memory location for storing messages received by the second server (server infobite database 50, col. 13, lines 49-50, Tso discloses a infobite database 50 for storing the updated infobites that is received from the infofeed interface).

7.   As to claim 13, Tso teaches the messages are stored in a hashtable (col. 11, lines 45-50, it is inherent that the infobite database 50 contains hashtables).

8.   As to claim 14, Tso teaches the first message includes information identifying the

first client and the application (see col. 10, lines 41-61, Tso discloses a

schedule/resource controller 61 that filters infobites and sends them to client based

upon the client's profile).

9.   As to claim 15, Tso teaches a third server (col.4, lines 34-53, Tso discloses a

server content database 51 for providing client with the necessary resources needed to

ease the communication) for providing information to one or more clients using HTTP

protocol,

        wherein the second server is coupled to the third server for receiving a second

message from the third server (see col, 4 line 54-57), wherein the second message is

intended to be sent to a third client using HTTP protocol (col. 14, lines 52-60, Tso

discloses an infocast browser 89, used to display new information); and

        wherein the second message is sent to the third client in response to the same or

consecutive polling requests by the second client (col. 14 line 52 - col. 15, line 3).

10.   As to claim 16, Tso teaches the first server is an application in a web server, and

wherein the one or more clients are web-based clients (col. 2, lines 54-63).

11.   As to claim 17, Tso teaches the first message is used to instruct the first client to

fetch information from the first server using HTTP protocol (col. 15, lines 4-11, Tso

discloses that first message notifies the user that greater data is available per request of

the user).

12.   As to claim 18, Tso teaches the first message is consumed by the first client

directly (col. 15, lines 4-11, Tso discloses that the client has the option to request further

data or else operation ends).

13.   As to claims 1, 4-5, 7-9, 19-26, they have similar limitations of claims 10, 12-13,

15-18; therefore rejected under the same rational.

14.   As to claim 6, Tso teaches a two-tier hashtable (col. 13, lines 45-50, It is inherent

that infobite database 50 contains one or more infobites which would require one or

more hashtable.)

Claim Rejections - 35 USC §103

15.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this tit e, if the differences between the subject
> matter sought to be patented and the prior a1 are such that the subject matter as a
> whole would have been obvious at the time the invention was made to a person having
> ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

16.   Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Tso et al.**, (Tso), U.S Patent No. **6,047,327** and further in view of **Elzur**, U.S. Patent No. **6,427,169**.

17.   As to claim 2, Tso teaches the invention substantially as discussed above; however, Tso does not teach distributing parsed data messages to the intended clients of the applications.

Elzur teaches client parses information to facilitate additional processing and distributing parsed data messages to intended applications, (col.2, lines 43-50).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the inventions of Tso and Elzur to incorporate a

parser at the client end to receive application message and distribute parsed data messages to intended clients of the application because it would allow the information to be sent to appropriate clients in an efficient and timely manner.

18.   Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Tso et al.**, (Tso), U.S Patent No. **6,047,327** as applied to claim 1 and further in view of **Betros et al.** (Betros), U.S. Patent Application Publication No. **US2002/0099795 A1** .

19.   As to claim 3, Tso teaches the invention substantially as discussed above; however, Tso does not teach the step of providing a communication servlet coupled between the communication server and the communication client.

Betros teaches a servlet configured to operate within or in conjunction with the web server, and being further configured to communicate with the client-side logic (pages 1-2, para. [0015]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the inventions of Tso and Betros to provide a communication servlet coupled between the communication server and the communication client because it would allow two way asynchronous communication between server and client (page 1, col. 2, para. [0012])

Response to Arguments

20.   Applicant's arguments filed have been fully considered but they are not persuasive.

In the remarks, the applicant argues in substance that "nowhere in Tso is there provided any teaching or suggestion that the communication client generates polling requests to the communication servers",

In response, Tso teaches a system and method for automatically distributing electronic information to targeted group of users. A communications system having a first server and a first client connected to the first server through a first network, wherein the first server (configured to receive information from various service providers) selectively sends a set of InfoBites to the first client based on a user profile. A request is made by the client to the InfoCast server to send the fully qualified URL associated with the resource identifier to the client (Fig. 5, and col. 8, lines 48-58). There is no

limitation as to the type of polling request the user generates. Nowhere in the claim

language is there any disclosure or teaching that the "polling request generated by the

communication client occurs automatically, periodically or at a predetermined time."

Therefore, Tso's client request to view the full information from the server after

reviewing the summary meets the scope of the claimed limitation "the communication

client generates polling requests to the communication servers."

21.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy

as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Shawki S Ismail whose telephone number is 571-272-

3985. The examiner can normally be reached on 10-F 8:30 - 5:00 p.m. If attempts to

reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain

Alam can be reached on 571-272-3978. The fax phone number for the organization

where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

Shawki S Ismail
Patent Examiner
November 29, 2004

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER